

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**PATTY BEALL, MATTHEW MAXWELL, \$**  
**DAVID GRAVLEY, TALINA MCELHANY, \$**  
**KELLY HAMPTON, CASEY BROWN, \$**  
**JASON BONNER, KEVIN TULLOS, \$**  
**ANTHONY DODD, ILENE MEYERS, \$**  
**TOM O’HAVER, JOY BIBLES, DON \$**  
**LOCCHI AND MELISSA PASTOR , \$**  
**Individually and on behalf of all others \$**  
**similarly situated; \$**

**Plaintiffs,**

**TYLER TECHNOLOGIES, INC. AND  
EDP ENTERPRISES, INC.  
Defendants.**

[illegible]

**2:08-cv-422 TJW**

## AGREED MOTION TO AMEND THE DOCKET CONTROL ORDER

Plaintiffs, Patty Beall, et al (“Plaintiffs”) and Defendants Tyler Technologies, Inc. and EDP Enterprises, Inc. (“Defendants”) hereby move the Court to amend the Docket Control Order dated December 8, 2009.

## I.

1.1 This is an overtime collective action under the FLSA that involves numerous class members and encompasses multiple job positions. The parties have diligently pursued discovery and have narrowed the issues in this case, however, additional discovery is needed for the parties' experts to be able to fully prepare their respective expert reports.

1.2 The parties have participated in approximately thirty (30) depositions to date however, scheduling difficulties and the absence of some class members due to military service or work obligations have not allowed all of the depositions to be taken before expert reports are due.

1.3 The parties have agreed to a two week extension to designate their respective experts and request that the Court amend its current deadline for the parties to designate expert witnesses and for the parties to provide expert witness reports.

1.4 The parties are in agreement to a mutual two week extension on their respective Designation of Experts and to provide expert reports. Plaintiff's new deadline to designate Expert Witnesses on certification issues with expert reports would be September 3, 2010, and Defendant's new deadline to designate Expert Witnesses on certification issues with expert reports would be September 24, 2010.

WHEREFORE, the parties respectfully pray that the Court amend the Docket Control Order, dated December 8, 2009, to reflect the parties' agreement.

Respectfully submitted,

SLOAN, BAGLEY, HATCHER & PERRY  
LAW FIRM

/s/ Laureen F. Bagley  
John D. Sloan, Jr.  
State Bar No. 18505100  
[jsloan@texttrialfirm.com](mailto:jsloan@texttrialfirm.com)  
Laureen F. Bagley  
State Bar No. 24010522  
[lbagley@texttrialfirm.com](mailto:lbagley@texttrialfirm.com)  
101 East Whaley Street  
P.O. Drawer 2909  
Longview, Texas 75606  
(903) 757-7000  
(903) 757-7574 (Fax)

Alexander R. Wheeler  
[awheeler@rrexparris.com](mailto:awheeler@rrexparris.com)  
Jason Paul Fowler  
[jfowler@rrexparris.com](mailto:jfowler@rrexparris.com)  
R. REX PARRIS LAW FIRM

42220 10<sup>TH</sup> Street West, Suite 109  
Lancaster, CA 93534-3428  
(661) 949-2595  
(661) 949-7524 (Fax)

John P. Zelbst  
[zelbst@zelbst.com](mailto:zelbst@zelbst.com)  
Chandra L. Holmes Ray  
[chandra@zelbst.com](mailto:chandra@zelbst.com)  
ZELBST, HOLMES & BUTLER  
P.O. Box 365  
Lawton, OK 73502-0365  
(580) 248-4844  
(580) 248-6916 (Fax)

James E. Wren  
Texas State Bar No. 22018200  
[James\\_Wren@baylor.edu](mailto:James_Wren@baylor.edu)  
One Bear Place #97288  
Waco, Texas 76798-7288  
(254) 710-7670  
(254) 710-2817 (Fax)

---

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 20<sup>th</sup> day of August, 2010, a true and correct copy of this document was sent via electronic mail to the following:

Paulo B. McKeeby  
Joe S. Allen  
Ellen L. Perlioni  
Farin Khosravi  
*Morgan, Lewis & Bockius LLP*  
1717 Main Street, Suite 3200  
Dallas, TX 75201-7347

Deron R. Dacus  
*Ramey & Flock P.C.*  
100 East Ferguson, Suite 500  
Tyler, TX 75702

/s/ Laureen F. Bagley  
Laureen F. Bagley